AMO REPORTS 83-17

RESPONSE TO THE BLUEPRINT FOR WASTE MANAGEMENT

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO
NOVEMBER 1983

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Association of Municipalities of Ontario, a non-partisan voluntary organization, is united to promote the values of the municipal government system and the status of the municipal level of government as a vital and essential component of the total intergovernmental framework of Ontario and Canada.

The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some six hundred (600) municipal governments throughout Ontario. The governing body is composed of some eighty (80) municipal elected and appointed officials, who in turn represent a wide-range of municipal government interest.

The following sections and affiliated municipal professional associations form an important part of the Association's structure and therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

Association Sections:

* County and Regional Section
* Large Urban Section
* Northern Ontario Section (FONOM/NOMA)
* Rural (ROMA) Section
* Organization of Small Urban Municipalities Section

Association Affiliates:

* Association of Municipal Clerks and Treasurers of Ontario
* Association of Municipal Tax Collectors of Ontario
* Municipal Engineers Association
* Ontario Municipal Administrators Association
* Ontario Municipal Personnel Association
* Ontario Municipal Social Services Association
* Society of Directors of Municipal Recreation of Ontario

To the Municipal Clerk:

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"AMO Reports 83-17" was submitted to the Honourable Claude Bennett, Minister of Municipal Affairs and Housing, and the Honourable Andrew Brandt, Minister of the Environment, on December 21, 1983.

AMO RESPONSE TO THE BLUEPRINT FOR WASTE MANAGEMENT

INTRODUCTION

Historically, municipalities have played a key role in the collection and disposal of what is commonly known as household wastes. That role has evolved with little or no co-ordination or innovation and the result has been little or no change in the way wastes have been handled since municipalities entered the scene. The types and quantities of wastes have changed dramatically over the years but the most prevalent method of handling wastes continues to be disposal at a landfill site.

Along with increases in the quantities of wastes there has also been an increase in public concern for the preservation of a safe and healthy environment, concern over how and what to regulate in order to preserve such an environment and concern over how and who should pay for this preservation.

In November of 1982, the former Minister of the Environment, the Honourable Keith C. Norton, announced his intentions to initiate a review of all legislation, regulation, policies and practices as the first phase in the development of a "Blueprint for Waste Management". Interested parties were invited to submit to the Minister their views and concerns relative to waste management and to suggest areas on which the Provincial Government, through the Ministry of the Environment, should concentrate its efforts in an attempt to develop a comprehensive, co-operative, workable system for the management of wastes, involving government (provincial and municipal), industry and the public.

The Association of Municipalities of Ontario presented its views to the Ministry in the form of a letter outlining those areas of waste management of most concern to municipalities (Appendix A). This initial stage of the "Blueprint" program lasted approximately six months and in June, 1983 the former Minister released a discussion paper, complete with 11 appendicies, which outlined several proposals for the management of wastes in Ontario.

The "Blueprint" establishes the roles of the various sectors involved in waste management. The Provincial Government is portrayed in a regulatory and co-ordinating role responsible for the adoption of appropriate legislation and the enforcement of such, and, the co-ordination of research

and development related to new technologies, education, promotion and monitoring and assessment, all of which are necessary in the development of an effective system.

Municipalities would assume the role of the facilitator responsible for waste management planning and its co-ordination with other land uses within the municipality. The collection and disposal of most wastes of a "non-hazardous" nature, the establishment of more effective cost accounting measures and the involvement of the public in the decision-making process are also listed as municipal responsibilities.

Industry, especially but not only in the case of "hazardous" wastes, is seen as being responsible for the generation, handling and disposal of much of the waste produced and therefore is required to assume a corresponding responsibility to ensure the health and safety of the public and the environment. The public on the other hand is charged with the responsibility to educate and inform themselves as to the various waste management alternatives to permit them to participate in decision-making in a meaningful way and once decisions have been made to support and monitor programs and thus encourage success.

The remainder of the "Blueprint" describes the roles and responsibilities of those involved in more detail and identifies alternative methods which may be employed to carry out these responsibilities. The discussion paper identifies a revised system to classify wastes in one of three major categories including special wastes, controlled wastes and municipal wastes. A fourth "category" would include other wastes that should be mentioned separately including backfill, inert liquid wastes and wastes capable of being recycled.

The 4 Rs, reduction, reuse, recycling and recovery, are defined and an analysis of the ability of these four principles to reduce our dependence on landfill is provided. Later chapters address in detail the responsibilities of each sector relative to the management of wastes, the waste management planning process, possible changes to the present hearings, approval and appeals procedures, a perpetual care program for wastes, including proposed financial guarantees and insurance and the necessary transitional procedures required to implement all facets of the program.

The Minister also released a series of 11 appendicies on matters ranging from a perpetual care program to a regulation which would apply to private waste disposal sites. A list of the appendicies to the "Blueprint" is included in Appendix B to this report.

The Ministry has allowed a period of approximately five months, until the end of October, 1983, for interested parties to submit comments on the "Blueprint". During this period the Ministry held some 20 formal public forums throughout the Province to accommodate the presentation of written or verbal responses by the public. The remainder of 1983 was used to consider the submissions received and formulate the final "Blueprint", the implementation of which will begin in 1984.

In responding to the proposals presented in the discussion paper the Association will, where necessary, outline the Ministry's proposal, present existing Association policy, if any exists, and make recommendations relative to those matters which the Association believes should be addressed in the revised version of the "Blueprint".

Throughout this report any reference to "municipality" should be interpreted as per Section 1, subsection 18 of the Municipal Act, Chapter 382, R.S.O. 1980 as follows:

> 18. "municipality" means a locality the inhabitants of which are incorporated;

and, as per Section 1, subsection (g) of the Planning Act, 1983 as follows:

> (g) "municipality" means a local municipality, a county and a regional, metropolitan or district municipality.

Any reference to "local municipality" should similarly be interpreted as per Secion 1, subsection 11 of the Municipal Act, and Section 1, subsection (d) of the Planning Act, 1983 as follows:

> "local municipality" means a city, town, village and township.

The Ministry should clarify its definition of municipality as referred to frequently in the "Blueprint".

WASTE CLASSIFICATION

As previously mentioned the "Blueprint" identifies three major categories of wastes:

. special wastes - includes liquid and solid hazardous wastes and most liquid industrial wastes

. controlled wastes - site specific solid and non-hazardous liquid wastes defined in terms of a waste listing and a comparison of leachate quality to standards based on drinking water quality criteria. Disposal sites will undergo site specific inspections. Co-disposal with municipal wastes may be permitted.

. municipal wastes - residential, industrial, commercial and institutional wastes similar to normal household wastes.

The discussion paper recognizes the existence of household generated hazardous wastes and indicates that the Ministry of the Environment is considering a joint Ministry/municipal program, involving the source separation of these materials, to allow for safe disposal. The Association believes that before any programs are developed that require municipal participation, discussions, involving AMO representatives, should be held. To this point in time no such discussions have taken place.

Therefore AMO recommends:

1. That the development of any waste management programs requiring municipal participation involve AMO representatives at an early stage and include discussions relative to the purpose of, need for and design of the specific program.

With respect to waste classifications, the "Blueprint" does not make any reference to nuclear wastes and the treatment and disposal of such wastes. The Association believes that matters such as classification, authority and responsibility, and the perpetual care of nuclear wastes should be addressed in the "Blueprint" in recognition of the waste management problems associated with this material.

A number of concerns relative to controlled wastes are not addressed in the "Blueprint". The Ministry proposes that "controlled wastes" may be co-disposed along with municipal wastes, provided certain leachate quality standards can be maintained. The "Blueprint" does not address the following matters:

- responsibility for the disposal of controlled wastes which do not meet the leachate quality standards established for co-disposal.

- responsibility for the testing and monitoring of controlled waste and the enforcement of legislation and regulations related to controlled wastes.

- responsibility for the financial aspects of the controlled wastes category.

The Association believes that these matters must be addressed and clarified prior to the implementation of the classification system.

Therefore AMO recommends:

2. That the "Blueprint" identify nuclear wastes as a class of wastes and define the body responsible for the storage, disposal and perpetual care of nuclear wastes.

3. That the "Blueprint" define the body responsible for testing, monitoring, disposal enforcement and financing of legislation, regulations and programs associated with controlled wastes.

REDUCTION, REUSE, RECYCLING AND RECOVERY

The "Blueprint" promotes the concept of reducing the amount of waste that enters landfill sites through the implementation of the 4 Rs, that is, reduction, reuse, recycling and recovery. Each of these methods could either reduce wastes entering the waste stream (reduction, reuse) or, once there, utilize them in the production of new materials (recycling, recovery).

Reduction requires the production of more durable, longer lasting products, products with less packaging and packaging that can be reused or recycled and public co-operation and support in the purchase of such products and the reuse and recycling of packaging, where possible.

Reuse involves the manufacturing of products which can be utilized for the same purpose several times and then recycled to be used again in the manufacture of a new product. The "Blueprint" uses refillable glass soft drink and beer containers as an example of such a product.

Recycling refers to the reuse of manufactured materials for the production of new items. The new item requires less of the raw or primary material since it makes use of the recycled or secondary material. Newspaper is one of the most commonly recycled materials.

Recovery includes the processing of wastes to separate materials for recycling or to produce a fuel, compost or some other product, or, the incineration of wastes, processed or unprocessed, to produce energy which is used to produce steam which is used as either a heating or power source.

The implementation of the reduction and reuse components of the "4 Rs" concept is dependent, for the most part, upon industry and the public for success. Industry must produce the reusable, more durable products with less packaging attached and the public must support moves such as this by industry.

The Association, in its response to the Discussion Paper on Ontario Carbonated Soft Drink Container Regulations (Appendix C) supports the use of refillable containers and suggests that the regulations governing such require a minimum percentage of the containers used in Ontario to be refillable. Further, the Association believes that the Ministry of the Environment in co-operation with industry must attempt to encourage the reuse or recycling of wine, liquor and soft drink containers as a means of reducing waste quantities. The implementation of some form of deposit system on these containers may provide the public with the necessary incentive to do so.

Therefore AMO recommends:

4. That the Provincial Government legislate the provision of deposits on all soft drink and alcoholic beverage containers sold in the Province of Ontario.

With respect to recycling, AMO Report 53, Provincial Incentives for Source Separation, addressed the concerns of the Association relative to recycling programs generally. Besides the need for financial and technical support from the Provincial Government and the necessity to provide the legislative authority to permit municipalities to implement effectively recycling programs, the Association's response stressed the need for the Provincial Government to promote recycling, educate the public with respect to source separation and provide incentives to industry to encourage the use of secondary materials and provide stable, long-term markets for these

materials. Municipal attempts at implementing recycling/source separation programs in the past have been largely unsuccessful. The primary reasons for this lack of success have been low participation and fickle markets. Many municipalities are unwilling in this time of fiscal restraint and tight budgets to become involved in what, in the past, has been a costly and rather ineffective form of waste management.

Therefore AMO recommends:

5. That the Provincial Government continue to fund research and development at its resource recovery centre aimed at the development of a cost-effective approach to recycling and then and only then adopt a policy and a program, in consultation with industry and municipalities, which would promote recycling and source separation where such activities would provide a financially viable waste management alternative.

6. That, having achieved the goal outlined in recommendation #5 above, the Provincial Government develop and implement a public educational program on recycling and source separation.

7. That the Provincial Government through the Ministry of the Environment and the Ministry of Education develop an educational program on recycling and source separation for use as part of the curriculum in Ontario schools.

The above recommendations (#5, 6, 7) focus on the necessity for source separation/recycling to be cost effective and the need for public education to promote participation. The other necessary element for a successful program is a stable, long-term market for the recovered products. The Association suggests that incineration and the associated production of energy in the form of steam may be an economically viable and environmentally safe method of waste disposal for many municipalities, provided a market for the energy could be established. Drawing on the past experience of some states of the United States, the Association suggests that Ontario Hydro be required to purchase all steam produced by any municipal energy-from-waste system that the municipality is otherwise unable to utilize itself or retail to other users. It would be necessary to provide some assurances that Ontario Hydro would purchase this steam at a fair market price. The Association recognizes the necessity for there to be a generating station in close proximity to the energy-from-waste plant for this proposal to be feasible.

Therefore AMO recommends:

8. That the Provincial Government provide incentives to industry to promote the use of recycled materials in the manufacturing process so as to create stable, long-term markets for recyclable materials.

9. That legislation be enacted requiring Ontario Hydro, where feasible, to purchase from a proponent (municipality or private interest) all steam produced by an energy-from-waste incinerator system in excess of that which can be utilized by the proponent or retailed by the proponent to other users, and to do so at a fair market price.

10. That the Provincial Government continue to provide front-end financing for the start-up of municipal source separation and recovery programs.

At the same time municipalities when considering the development of waste management systems must give careful consideration to the use of recycling/source separation as one component of an overall system. The costs associated with such programs must be net costs including, as credits, the reduced disposal costs due to recycling, the revenues from the sale of the materials and the reduced costs associated with the approval and development of future landfill sites (i.e. fewer landfill sites will be required over a given period of time since less waste will be deposited). The comparison of these costs to the costs for the traditional collection and disposal (landfill) method and to the costs for waste processing for materials recovery and/or incineration for energy recovery requires that the municipality be aware of the true total costs for waste management in the municipality. This requires the municipality to consider not only the costs of collection and disposal but also the costs associated with acquisition, approval and development, operation, monitoring, closure, post-closure monitoring and perpetual care.

Therefore AMO recommends:

11. That municipalities implement an accounting system that will provide them with an indication of the true costs for waste management and allow for a valid, fair comparison of alternative waste management methods and for this purpose consideration should be given to adopting the cost accounting system outlined in Appendix 10 to the "Blueprint for Waste Management".

12. That the Provincial Government provide "start-up" funding to those municipalities prepared to implement the "solid waste management cost accounting system" proposed in the "Blueprint".

The adoption of a uniform system by municipalities across the Province would provide a basis for comparison of costs associated with various aspects and methods of waste management and could prove to be a valuable planning tool. The Provincial Government must be cognizant of the need to develop several such systems in order to accommodate the differences among municipalities with respect to technical and administrative capabilities.

To further promote recycling, the Association suggests that municipalities review their purchasing procedures and where possible use products containing or utilizing recycled material. As an example, municipalities should consider the use of paper made from recycled fibre. This principle could be applied with respect to all components of the 4 Rs concept to encourage reduction in waste quantities.

When discussing the 4 Rs, the "Blueprint" refers to a proposed disposal fee which would be levied at all disposal sites on a "per tonne" basis. The revenue generated from such a fee would be used to promote and encourage Provincial programs associated with one or more components of the 4 Rs concept. The "Blueprint" suggests that the fee would be an incentive to reduce, reuse and recycle materials to produce less waste and to recover everything possible from the waste so as to reduce the amount entering the landfill site and thus the fee paid. The Association believes that such a fee would be very difficult to enforce, particularly at disposal sites that are not equipped with weigh scales, and that it would encourage illegal dumping of wastes. Also, the research programs and promotional activities related to the 4 Rs would be dependent on the continued use of landfill sites. Reduced use of landfill sites would in turn reduce the funds available for these programs and presumably reduce the effectiveness of the programs. Further, the Association believes that the Provincial Government, with its broad taxing powers, is more capable than municipalities, with their limited taxing powers, of generating the revenues needed to fund the promotion and research associated with the 4 Rs concept.

Therefore AMO recommends:

13. That the Provincial Government <u>not</u> implement a disposal fee on all wastes entering landfill sites but rather that

they provide the funds for the promotion and research associated with the 4 Rs system through the general tax system.

AUTHORITY AND RESPONSIBILITY

A major focus of the "Blueprint" is the establishment of responsibility for each aspect of waste management and its related activities and to determine what authority is necessary to allow the various parties involved to fulfill their responsibilities. The following pages will identify the responsibilities that have been assigned to the various groups and comment upon those that are of particular interest to the municipalities in Ontario.

The "Blueprint" designates the following matters as being the responsibility of the Ministry of the Environment:

- technological research and development and the transfer of this information to municipalities and industry.
- evaluation, assessment and monitoring of active and closed sites to determine the sites' capabilities and to assess the possibility of off-site contamination.
- the formulation and enforcement of legislation and regulations.
- the approval of waste management facilities.
- the regulation and monitoring of the Ontario Waste Management Corporation.
- the co-sponsoring of energy-from-waste projects.
- the development of a provincial policy statement defining the relationship of waste management planning to official plans and zoning by-laws.
- the promotion of the 4 Rs.
- some aspects of the planning, operation and closure of waste management sites.

Although the Ministry of the Environment/municipal relationship is discussed elsewhere in this report, there are some aspects of the Ministry's responsibilities that the Association wishes to comment on at this point in its response.

The Association applauds the attempt made in the "Blueprint" to define roles and responsibilities with respect to waste management. The Association considers the defining of these roles to be a major step in the establishment of an efficient system for the disposal of wastes.

The "Blueprint" proposes a provincial policy which would require the inclusion of the land use component of waste management in the official plan. In AMO's response to Bill 159[1] the Association recommended that the matters addressed and the level of detail provided in an official plan be based on the needs and left to the discretion of the municipality adopting the plan. The Planning Act, 1983 provides that the council of any municipality may adopt policies related to the physical development of the municipality and in doing so they must have regard for established provincial policies. The Planning Act, 1983 also establishes requirements relative to the provision of opportunities for public input to official plan policies. These provisions provide ample opportunity for input from both the Provincial Government and the public. Consequently, the Association believes that the inclusion of waste management policies in an official plan should not be mandated.

Therefore AMO recommends:

14. That the Provincial Government strongly encourage the inclusion of waste management land use related policies in official plans.

The "Blueprint" also proposes revisions to the Municipal Act to provide counties and regions with more flexibility to assume responsibility for the collection and disposal of municipal wastes. Currently the Municipal Act (Section 208(5) Chapter 302 R.S.O. 1980) provides that any municipality may enter into agreements with one or more municipalities to provide for joint management and operation of garbage collection and disposal systems. The Municipal Act would not appear to provide the authority for counties

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1 AMO Reports 82-2: AMO Submission to the Standing Committee on General Government on Bill 159: An Act to Revise the Planning Act; AMO; March, 1982.

to undertake, on their own or jointly with one or more municipalities, studies related to waste management. The Association believes that this is necessary if counties are to exercise any responsibility in this area.

Therefore AMO recommends:

15. That the Municipal Act be amended to provide counties with the authority to undertake studies related to waste management and the establishment of waste management systems.

Municipal responsibilities, as outlined in the "Blueprint", would include the following:

- the collection of wastes including source separated materials.
- disposal of all wastes other than special wastes to be the responsibility of counties or regions or at the very least a "group of municipalities".
- awareness of all wastes produced within the municipality, including special wastes, and of the handling and disposition of these wastes.
- waste management planning, at the same level as the disposal function.
- for insuring that adequate handling and disposal facilities are available to accommodate wastes resulting from any new development.
- for informing the public and involving them in waste management planning and related decision-making.
- for inter-municipal co-operation in the location and use of disposal facilities.
- for determining and reporting the true total costs of waste management at the municipal level.

The Association concurs with the concept of municipalities being responsible for the collection and disposal of that class of wastes referred to as municipal wastes. Further, AMO concurs with the proposal that the Ministry of the Environment be responsible for the handling and disposal of special wastes. Also, AMO concurs with the <u>need</u> for waste management planning, public involvement, inter-municipal co-operation and accurate cost-accounting relative to waste management.

With respect to collection and disposal, the Association believes that the flexibility which exists in the present legislation should be maintained and built upon. The Municipal Act permits both local municipalities and counties to develop and operate systems for the collection and disposal of wastes and AMO believes that neither of these activities should be limited to one level or the other. The variety of situations which exist in municipalities around the Province make it necessary for this flexibility to be maintained.

Currently, the Municipal Act permits counties to become involved in the operation of joint collection and disposal systems only if they can reach agreement with all municipalities within the county system. The Association believes that this option is not being utilized to any great extent because that condition has proven to be too onerous. The Association believes that the legislation should not prevent the implementation of a county-wide or partial county collection and/or disposal system provided the operating costs of such a system, including administrative costs, are shared only by those municipalities participating in the system.

Therefore, AMO recommends:

16. That the Municipal Act be amended to permit counties to implement collection and/or disposal systems without the unanimous consent or participation of all local municipalities within the county and to ensure that the capital and operating costs of county waste management systems are shared by those local municipalities participating in the system.

With respect to waste management planning any municipality with an official plan could include the land use component of waste management within its planning documents provided the necessary background studies were completed. As previously stated there remains some doubt as to whether counties have the authority to undertake the necessary studies. As such the Association reiterates the need to make the legislative amendments suggested in recommendation #15.

The "Blueprint" would make it a municipal responsibility, at what level it isn't made clear, to be aware not only of all the wastes being produced within the municipality but also of the handling and disposition of these wastes.

The Association is concerned that the Ministry of the Environment is placing this responsibility on municipalities without due consideration as to the information required, the costs associated with such a responsibility and the legislative changes needed to make such a program effective. The Association believes that the Ministry's objectives relative to municipal awareness of the types of wastes present could be better achieved by legislation that would require industry to disclose the types and quantities of waste produced. This would provide both the Provincial Government and municipalities with the information needed relative to the need for treatment facilities and emergency planning.

Therefore AMO recommends:

17. That the Provincial Government enact legislation that would require industry to provide the necessary information to both the Ministry of the Environment and municipalities relative to the type and quantities of wastes being produced to enable the Ministry to assess the true need for treatment facilities and municipalities to assess the need for emergency planning.

The Association believes that where policies are formulated by the municipality as part of a waste management plan and these policies are to be adopted as part of an official plan, an adequate process for public participation is defined in the Planning Act, 1983, and is being implemented. Municipalities have come to recognize the value, both in terms of a fresh perspective and in terms of time saved, of providing opportunities for and encouraging participation by the public from the outset of a project through to its completion, which in this case would include the closure and post-closure phases of disposal sites.

Therefore AMO recommends:

18. That, where waste management policies are adopted as part of an official plan, the mandatory requirements to provide opportunities for public input be those provided for in the Planning Act, 1983.

With respect to inter-municipal disputes over the location of a waste management facility, the Association supports the proposal that would permit one of the municipalities involved to request a hearing before an unbiased third party. This third party would, after conducting a hearing, render a decision, complete with conditions where necessary, that

would be binding on the municipalities involved. The "Blueprint" makes reference to the Ontario Municipal Board as the agency responsible for hearing these "appeals". The Association suggests that the Consolidated Hearings Board would be a more appropriate body to hold such hearings due to the environmental component of the matter being referred to. Also, the Association believes that the above noted hearings should not be held in isolation from any hearing that may be required as part of the approval process for the site.

Therefore AMO recommends:

19. That the Consolidated Hearings Board be assigned the responsibility of conducting hearings related to inter-municipal disputes over the location of waste management facilities and that this hearing be conducted as part of and at the same time as any other hearing associated with the approval of the site.

WASTE MANAGEMENT PLANNING

The Association interprets the proposals in the "Blueprint for Waste Management" relative to waste management planning as an attempt to combine upper-tier land use planning with the requirements of the Environmental Assessment Act and to establish a single step procedure for the approval of waste management facilities. The Association endorses the development of a single-step procedure which would combine the planning aspects and the environmental assessment aspects of developing a waste management system. AMO suggests that, where a municipality follows a process similar to that outlined in Appendix 9 to the "Blueprint" and adopts amendments to its official plan pursuant to the Planning Act, the plan in its entirety be exempt from the Environmental Assessment Act. If a hearing is deemed necessary it should be held under the Consolidated Hearings Act.

In instances where the plan is not incorporated into a municipal official plan each facility or system component should be required to go through an environmental assessment, full or class, and, if necessary, an official plan and/or zoning change. This would give municipalities the option of treating the plan as part of an official plan or, in a manner similar to a municipal housing statement, as a guideline for future decision making relative to waste management.

Therefore AMO recommends:

20. That where a municipality formulates a waste management plan in accordance with the process outlined in Appendix 9 of the "Blueprint for Waste Management", Terms of Reference for a Waste Management Master Plan, and adopts an official plan amendment which incorporates that plan in accordance with the provisions of the Planning Act, 1983, the waste management plan, in its entirety, be exempt from the provisions of the Environmental Assessment Act and any hearings deemed necessary be held in accordance with the provisions of the Consolidated Hearings Act.

21. That the Ministry of the Environment in consultation with the Ministry of Municipal Affairs and Housing and the Association of Municipalities of Ontario review the operation of the Consolidated Hearings Act and consider, among other things, any amendments which may be deemed necessary to implement the proposal outlined in recommendation #20.

The Association reiterates its previous position relative to maintaining flexibility with respect to waste management. The level at which planning for waste management is undertaken, like collection and disposal, should be left to municipal discretion. It should not be mandated to a particular level by the Provincial Government. Counties should be permitted to undertake planning studies related to waste management without the consent of all municipalities that form the county provided the costs of such a study are assessed only to those municipalities that have agreed to take part.

PERPETUAL CARE

The concept of perpetual care recognizes the fact that even the most highly sophisticated disposal facility constructed in the most flawless manner will require monitoring of some form for an extended period of time and may in fact need some remedial works in the future to prevent or limit damage to off-site locations.

To provide for this so-called "perpetual care" the "Blueprint" breaks the life of a disposal facility into stages which progress from the approvals stage through the active stage to the closed stage. The approvals stage

involves investigation, design and finally hearings and approvals and requires no financial guarantees or insurance as such, but may result in the establishment of conditions of approval related to the provision of some form of financial guarantees or insurance. The one question that may arise during this phase is the need to ensure that the public has adequate access to whatever hearing body may be responsible for approving a facility. For this purpose it may be necessary to consider the need for "intervenor funding" or the provision of some form of assistance to those wishing to participate in any process related to the establishment of a waste management facility.

The second or active phase of a disposal site includes the development of the site in preparation to receive wastes, the receipt of wastes at the site, and, when the site has reached capacity, its closure. The Ministry of the Environment would monitor the operation of any such facility to ensure that the conditions established on the certificate of approval were adhered to and would issue a document subsequent to closure indicating that the necessary monitoring devices had been provided and the proper steps taken to close the site. No further disposal would be permitted.

The closed phase involves post-closure and perpetual monitoring of the facility. The post-closure phase would cover an indefinite period during which the facility operator would remain responsible for the facility. The site would be monitored and the operation of any gas or leachate control systems maintained. The Ministry of the Environment would issue a document terminating the post-closure phase when it was satisfied that problems were not likely to arise from the site. During the perpetuity phase periodic monitoring of the site and of gas and leachate systems may be necessary.

The Association believes that the methods used for the monitoring activities, which are prevalent throughout the proposed perpetual care program, should be consistent and for this reason should be carried out by a single agency. AMO believes that the Ministry is best able to accomplish this task and supply the necessary funding, manpower and expertise for the job.

Therefore AMO recommends:

22. That the Ministry of the Environment be responsible for the monitoring of waste management facilities during the closed phase (closure, post-closure and perpetual stages).

The "Blueprint" also proposes three mechanisms for providing the financial means to deal with problems which arise during the operational or closed phases in the life of a site:

. environmental impairment insurance

- an insurance policy which would provide funds for remedial and compensatory actions necessitated by personal injury, damage or environmental contamination off-site as a result of the operation of a waste management facility. It would be mandatory for all owners and operators. Minimum liabilities would be established by regulation based on the type of facility. These could be increased where appropriate as a condition of the certificate of approval. The regulation would provide the flexibility to obtain complete insurance coverage or to self-insure all or part of the risk, provided proof of adequate funds to cover the self-insured portion could be demonstrated.

. financial guarantees

- the provision of funds in the form of a bond(s) to cover the active stage of a waste management facility, including closure, and to cover operational and monitoring costs during post-closure. Limits would be established during the planning and approvals stage and could be changed, after review, during the life of the facility. These guarantees could be required in their entirety prior to the receipt of any waste, or, partially up-front and partially accumulated during the facility's operation. This would be stipulated as a condition of approval. Municipalities would be exempt if they could demonstrate the ability to provide funds if and when they were needed.

. waste management security fund

- established through a surcharge per tonne of waste disposed of at an approved disposal site and dependent upon the type of waste. This fund would finance remedial and compensatory measures during the perpetuity phase and emergencies during the other phases where the proposed funding mechanisms proved inadequate. Surcharges of $.30/tonne for municipal and controlled waste and $3.00/tonne for special waste are proposed.

The Association concurs with the need for owners and operators of waste management facilities to have liability insurance and favours the flexibility proposed with respect to insurance coverage and "self-insurance". The Association further concurs with the need to provide the approval agency with the authority to increase the minimum liability insurance required as a condition of approval. In agreeing, AMO would suggest that the Ministry and the insurance industry ensure that the minimum liability established in regulation be just that, the minimum, since the approval agency will have the authority to increase this amount where necessary. This would help keep the operational costs of such facilities to a minimum. Further, to assist municipalities in choosing an insurance package that is both adequate and comprehensive relative to an individual municipality's needs, the Ministry, in conjunction with the insurance industry, should develop guidelines.

The proposed "financial guarantees" mechanism recognizes the perpetual nature of municipalities and allows for their exemption from this requirement provided they can show an ability to provide funds if and when they are needed. As such AMO concurs with this measure, as proposed.

AMO suggests that the perpetual nature of municipalities should also be recognized in the proposed waste management security fund. Since this fund is meant to cover the costs associated with the perpetuity phase of a facility and since municipalities are, by their very nature, perpetual, they should also be exempt from the proposed surcharge per tonne of waste disposed of in a landfill site. The Association would reiterate its earlier comments relative to the 4 Rs disposal fee, that municipalities not be required to collect what is, in effect, a provincial tax. The financing required for the establishment and maintenance of a "waste management security fund" should be provided through the Province's general tax system. In situations where it is necessary to remedy problems that arise during the perpetual phase of a facility, municipalities would be responsible for funding the necessary remedial measures. They should have access to the fund, if established, but should be required to repay any monies received from the fund. Further, AMO believes that the fund should be used only for problems which arise during the perpetual phase of a facility and not for emergencies that arise during the operation of a facility. The other mechanisms outlined above (environmental impairment insurance and financial guarantees) should be used to remedy problems that arise during the active stages of a facility.

Therefore AMO recommends:

23. That municipalities be exempted from the proposed surcharge/tonne of waste disposed of at any approved disposal site due to their perpetual nature.

24. That where two or more municipalities are involved in the establishment and operation of a waste management facility, the required agreement concerning this facility include an agreement pursuant to the sharing of the liability and costs associated with the perpetual care of that facility.

25. That the waste management security fund, if established, be funded through the general tax system and be used to finance remedial measures required during the perpetual phase only of a waste management facility.

LEGISLATIVE IMPLICATIONS

The "Blueprint" proposes that all waste management facilities come under the Environmental Assessment Act. It further proposes that sites accepting municipal and controlled wastes and having a maximum capacity of 100,000 tonnes be approved under a class environmental assessment or under the Environmental Protection Act as will transfer stations costing under $2,000,000. Transfer stations costing over $2,000,000 will require full environmental assessments.

Private facilities will be divided into two classes:

- class 1 - on-site disposal of on-site generated municipal and controlled type wastes

- class 2 - disposal of on or off-site special wastes or off-site municipal and controlled type wastes.

Class 1 facilities will be subject to approvals under the Environmental Protection Act while class 2 facilities will be subject to the Environmental Assessment Act. Other facilities such as open transfer stations which do not accept special wastes and facilities which deal with processed organic wastes would require only a certificate of approval under the Environ-

mental Protection Act and would be exempt from the Environmental Assessment Act.

The Association supports the principle of applying the Environmental Assessment Act to all waste management facilities. In doing so the Association would like to qualify this support by drawing the Ministry's attention to AMO's policy guideline EC-02:

> EC-02 - Policy
>
> The Association supports the application of an environmental assessment process to those municipal undertakings which could adversely affect the environment. However, the Association accords its support on the basis that the procedures under an environmental assessment application do not lead to the creation of excessive delays in carrying out municipal projects or an undue increase in administrative and/or construction costs which would be borne by the municipal taxpayer. The Environmental Assessment Act should also apply to those projects undertaken by the Government of Ontario, its agencies and crown corporations in the same manner as muncipal government projects.

As such, the Association would reiterate its earlier recommendation that, where municipalities adopt a waste management plan as part of their official plan and in so doing follow the process outlined in Appendix 9 to the "Blueprint" as well as the provisions of the Planning Act, 1983, the entire plan should be exempt from the provisions of the Environmental Assessment Act; and further, that any hearing required during this process be held under the Consolidated Hearings Act and that this Act be reviewed to ensure that it is both applicable and workable in situations of this nature. The Association believes that this would reduce both the time and expense associated with the development of a waste management facility without affecting the integrity of the project from an environmental perspective.

Appendix 5, Legislative Implications of the Blueprint for Waste Management, outlines several areas in which legislation will be amended to provide "broader powers". AMO recommends:

> 26. That the Association be given an opportunity to review and comment on any proposed legislative changes that would impact on municipalities.

COST ACCOUNTING

Throughout the "Blueprint" emphasis is placed on the need for municipalities to adopt cost accounting methods which will identify the true costs associated with waste management permitting valid cost comparisons among alternative waste management methods. The Association, in recommendation #11, supports this suggestion and recognizes the need for consistency across the province to allow for valid cost comparisons between municipalities. As such the Association has supported the system suggested in Appendix 10 to the "Blueprint" which would require municipalities to collect data related to the cost of waste management and submit an annual report to the Ministry. The Ministry would then prepare an annual general report based on the information provided. Custom reports, to allow for a more direct comparison between similar municipalities, would be available on request. A Municipal Solid Waste Management Cost Control Manual has been prepared to assist municipal personnel in collecting the data and to ensure that the data collection is done on the same basis across the Province. The Association's support for this system is conditional on being afforded an opportunity to review the above-noted manual to assess the impact of the proposed system in terms of manpower, administrative capabilities and costs.

Therefore AMO recommends:

27. That the Association be given an opportunity to review the Municipal Solid Waste Management Cost Control Manual prior to its implementation.

TRANSITIONAL REQUIREMENTS

The Association, although it would reserve the right to comment on the transitional provisions required in the implementation of any new system, believes that the Ministry should adopt a "go slow and be sure" attitude with respect to any future changes in legislation and regulation. Particular attention must be given to those proposals which will impact on the fiscal aspects of waste management in Ontario. Also, sufficient lead time must be provided for those involved to accommodate the added costs. In this regard the Ministry must recognize the added capital and operating costs associated with implementing any new programs or systems locally and the limited ability of municipalities to generate revenue to accommodate these costs.

Therefore AMO recommends:

28. That the Provincial Government provide capital and start-up funding for the purpose of implementing programs related to waste management.

29. That the Provincial Government consult with municipalities prior to the implementation of new regulations and environmental standards and provide sufficient lead time and financing to enable municipalities to comply with Ministry directives.

30. That AMO supports the principles of the 4 Rs, namely, reduction, reuse, recycling and recovery, provided the Provincial Government accepts its responsibility relative to the co-ordination and financing of waste management activities in Ontario.

31. That the Ministry of the Environment re-draft the "Blueprint", based on the reactions of interested groups, municipalities and industry, and undertake further consultation with and input from those concerned.

SUMMARY OF RECOMMENDATIONS

1. That the development of any waste management programs requiring municipal participation involve AMO representatives at an early stage and include discussions relative to the purpose of, need for and design of the specific program.

2. That the "Blueprint" identify nuclear wastes as a class of wastes and define the body responsible for the storage, disposal and perpetual care of nuclear wastes.

3. That the "Blueprint" define the body responsible for testing, monitoring, disposal, enforcement and financing of legislation, regulations and programs associated with controlled wastes.

4. That the Provincial Government legislate the provision of deposits on all soft drink and alcoholic beverage containers sold in the Province of Ontario.

5. That the Provincial Government continue to fund research and development at its resource recovery centre aimed at the development of a cost-effective approach to recycling and then and only then adopt a policy and a program, in consultation with industry and municipalities, which would promote recycling and source separation where such activities would provide a financially viable waste management alternative.

6. That, having achieved the goal outlined in recommendation #5 above, the Provincial Government develop and implement a public educational program on recycling and source separation.

7. That the Provincial Government through the Ministry of the Environment and the Ministry of Education develop an educational program on recycling and source separation for use as part of the curriculum in Ontario schools.

8. That the Provincial Government provide incentives to industry to promote the use of recycled materials in the manufacturing process so as to create stable, long-term markets for recyclable materials.

9. That legislation be enacted requiring Ontario Hydro, where feasible, to purchase from a proponent (municipality or private interest) all steam produced by an energy-from-waste incinerator system in excess of that which can be utilized by the proponent or retailed by the proponent to other users, and to do so at a fair market price.

10. That the Provincial Government continue to provide front-end financing for the start-up of municipal source separation and recovery programs.

11. That municipalities implement an accounting system that will provide them with an indication of the true costs for waste management and allow for a valid, fair comparison of alternative waste management methods and for this purpose consideration should be given to adopting the cost accounting system outlined in Appendix 10 to the "Blueprint for Waste Management".

12. That the Provincial Government provide "start-up" funding to those municipalities prepared to implement the "solid waste management cost accounting system" proposed in the "Blueprint".

13. That the Provincial Government not implement a disposal fee on all wastes entering landfill sites but rather that they provide the funds for the promotion and research associated with the 4Rs system through the general tax system.

14. That the Provincial Government strongly encourage the inclusion of waste management land use related policies in official plans.

15. That the Municipal Act be amended to provide counties with the authority to undertake studies related to waste management and the establishment of waste management systems.

16. That the Municipal Act be amended to permit counties to implement collection and/or disposal systems without the unanimous consent or participation of all local municipalities within the county and to ensure that the capital and

operating costs of county waste management systems areshared by those local municipalities participating in the system.

17. That the Provincial Government enact legislation that would require industry to provide the necessary information to both the Ministry of the Environment and municipalities relative to the type and quantities of wastes being produced to enable the Ministry to assess the true need for treatment facilities and municipalities to assess the need for emergency planning.

18. That where waste management policies are adopted as part of an official plan the mandatory requirements to provide opportunities for public input be those provided for in the Planning Act, 1983.

19. That the Consolidated Hearings Board be assigned the responsibility of conducting hearings related to inter-municipal disputes over the location of waste management facilities and that this hearing be conducted as part of and at the same time as any other hearing associated with the approval of the site.

20. That where a municipality formulates a waste management plan in accordance with the process outlined in Appendix 9 of the "Blueprint for Waste Management", Terms of Reference for a Waste Management Master Plan, and adopts an official plan amendment which incorporates that plan in accordance with the provisions of the Planning Act, 1983, the waste management plan, in its entirety, be exempt from the provisions of the Environmental Assessment Act and that any hearings deemed necessary be held in accordance with the provisions of the Consolidated Hearings Act.

21. That the Ministry of the Environment in consultation with the Ministry of Municipal Affairs and Housing and the Association of Municipalities of Ontario review the operation of the Consolidated Hearings Act and consider, among other things, any amendments which may be deemed necessary to implement the proposal outlined in recommendation #20.

22. That the Ministry of the Environment be responsible for the monitoring of waste management facilities during the closed phase (closure, post-closure and perpetual stages).

23. That municipalities be exempted from the proposed surcharge/tonne of waste disposed of at any approved disposal site due to their perpetual nature.

24. That where two or more municipalities are involved in the establishment and operation of a waste management facility, the required agreement concerning this facility include an agreement pursuant to the sharing of the liability and costs associated with the perpetual care of that facility.

25. That the waste management security fund, if established, be funded through the general tax system and be used to finance remedial measures required during the perpetual phase only of a waste management facility.

26. That the Association be given an opportunity to review and comment on any proposed legislative changes that would impact on municipalities.

27. That the Association be given an opportunity to review the Municipal Solid Waste Management Cost Control Manual prior to its implementation.

28. That the Provincial Government provide capital and start-up funding for the purpose of implementing programs related to waste management.

29. That the Provincial Government consult with municipalities prior to the implementation of new regulations and environmental standards and provide sufficient lead time and financing to enable municipalities to comply with Ministry directives.

30. That AMO support the principles of the 4 Rs, namely, reduction, reuse, recycling and recovery, provided the Provincial Government accepts its responsibility relative to the co-ordination and financing of waste management activities in Ontario.

31. That the Ministry of the Environment re-draft the "Blueprint", based on the reactions of interested groups, municipalities and industry, and undertake further consultation with and input from those concerned.

Minority Report
submitted by
The Large Urban Section of AMO

The Executive Committee of the Large Urban Section of AMO endorsed the following amendments to the AMO response to the Ministry of the Environment's "Blueprint for Waste Management":

1) T t recommendation #10 be amended by the addition of the following statement;

> "... and, that municipalities also consider allocating a portion of the savings derived from user fees and reduced waste management costs as a result of municipal source separation and recovery efforts, to assist in the ongoing operation and promotion associated with the municipal source separation and recovery programs."

2) That recommendation #23 be deleted and that the proposals in the "Blueprint for Waste Management" concerning the establishment of a waste management security fund be supported, provided municipalities were allowed to utilize the fund only to the extent to which they had contributed to it.

The Large Urban Section Executive Committee feels that municipalities should put back into any recycling/source separation program some of the financial benefits to be gained from such a program. Also, it believes that municipalities should contribute to a perpetual care fund to demonstrate that they are accountable for the perpetual care of their waste management facilities. The Section Executive Committee suggests that this fund be implemented in a manner similar to the rehabilitation fund provisions in the Pits and Quarries Act.

Minority Report
submitted by
The County and Regional Section of AMO

The Executive Committee of the County and Regional Section of AMO endorsed the following amendments to the AMO response to the Ministry of the Environment's "Blueprint for Waste Management":

1) That recommendation #16 be deleted and replaced by the following:

   i) That the Municipal Act be amended to permit counties to implement collection and/or disposal systems where a majority of municipalities representing at least 2/3 of the equalized assessment in the county request the county to do so, and, if applicable, to enter into agreement(s) to operate such a system in conjunction with a separated town or city within the geographic county.

   ii) That the capital and operating costs of county waste management systems so established be apportioned on the same basis as the county levy, with the understanding that a "user fee" would be established to offset a substantial portion of the capital and operating costs.

The Executive Committee of the County and Regional Section stresses that any legislation related to county waste management must be permissive and should not mandate county involvement. The determination of the proportion of the capital costs to be levied to each municipality would require consideration of the equalized assessment of each municipality and the extent to which the existing equipment and facilities of the local municipality would reduce the capital and start-up costs of the system.

2) That recommendation #23 be deleted and that the proposals in the "Blueprint for Waste Management" concerning the establishment of a "waste management security fund" be supported.

The County and Regional Section Executive Committee believes that most municipalities would not be in a position to provide the funding required to correct serious on- or off-site environmental problems resulting from a

landfill site. As such they are in favour of the "Blueprint" proposal to establish a fund based on a per tonne surcharge, to be collected and administered by the Provincial Government, for the purpose of perpetual care.

Concern was also expressed over municipalities who own and operate a landfill site in another municipality. The Section Executive Committee felt that a provincial fund was necessary to ensure that funds were available if and when it became necessary to correct problems that may occur many years after site closure.

Minority Report
submitted by
The Rural Section of AMO

The Executive Committee of the Rural Section of AMO endorsed the following amendments to the AMO response to the Ministry of the Environment's "Blueprint for Waste Management":

> "That recommendation #16 be deleted and replaced by the following:
>
> i) That the Municipal Act be amended to permit counties to implement collection and/or disposal systems where a majority of municipalities representing at least 2/3 of the equalized assessment in the county request the county to do so, and, if applicable, to enter into an agreement(s) to operate such a system in conjunction with a separated town or city within the geographic county.
>
> ii) That the capital and operating costs of county waste management systems so established be apportioned on the same basis as the county levy, with the understanding that a "user fee" would be established to offset a substantial portion of the capital and operating costs.

This amendment, which was initated by the Executive Committee of the County and Regional Section, was endorsed as the fairest method of permitting collection and disposal systems at the county level. The Rural Section Executive Committee also believes that most rural townships and villages do not have the resources to implement a safe, effective waste disposal system given the present and proposed requirements for such undertakings.

Minority Report
submitted by
The Small Urban Section of AMO

The Executive Committee of the Small Urban Section of AMO endorsed the following amendments to the AMO reponse to the Ministry of the Environment's "Blueprint for Waste Management":

1) That the following recommendations be added to the AMO response:

   i) That counties and other municipal jurisdictions should have an approved official plan or be a participating municipality in a county or regional official plan prior to undertaking studies related to waste management and the establishment of a waste management system

   ii) That municipalities should have an approved official plan containing waste management land use related policies or be a participating municipality in a county or regional official plan containing such policies prior to implementing a waste management collection and/or disposal system.

   iii) That the proposed "solid waste management cost accounting system" be implemented only in those situations where a cost-effective approach to recycling and resource recovery is being utilized.

APPENDIX A

AMO

Association of Municipalities of Ontario

Suite 902 • 100 University Avenue, Toronto, Ontario M5J 1V6 • Telephone 593-1441

April 25, 1983

Mr. Tom Armstrong
Co-ordinator
Ministry of the Environment
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Mr. Armstrong:

Further to my letter of March 29, 1983, the Planning and Environment Committee of the Association of Municipalities of Ontario met on April 7, 1983 to discuss those issues which the Association believes should be addressed by the Ministry when formulating its "blueprint" for waste management.

As a result of that meeting the Committee requested that I communicate to you the following list of issues:

- the development of a comprehensive program for recycling including the provision of funding, technical assistance, methodology research and legislative authority.

- the development of facilities for the treatment and disposal of hazardous wastes.

- the treatment and disposal of nuclear wastes.

- the cost to municipalities of implementing waste management regulations and controls, especially given the limited revenue sources which are available to municipalities.

- the need to establish a provincial/municipal program to identify and designate potential landfill sites. Municipalities may not be financially capable of undertaking this activity on an individual, site by site basis.

.../2

- the importance of establishing a formal provincial/ municipal consultation process related to waste management programs and activities to allow for rational land use decisions at the municipal level.

- the need for inter-ministerial co-ordination and co-operation with respect to waste management issues.

- the establishment of a "perpetual care" program for waste treatment facilities and disposal sites.

AMO looks forward to reviewing and commenting on the "blueprint" when it is released later this year.

Yours truly,

Claudette Millar
Co-Chairman
AMO Planning and Environment Committee
Mayor
City of Cambridge

CM/kb

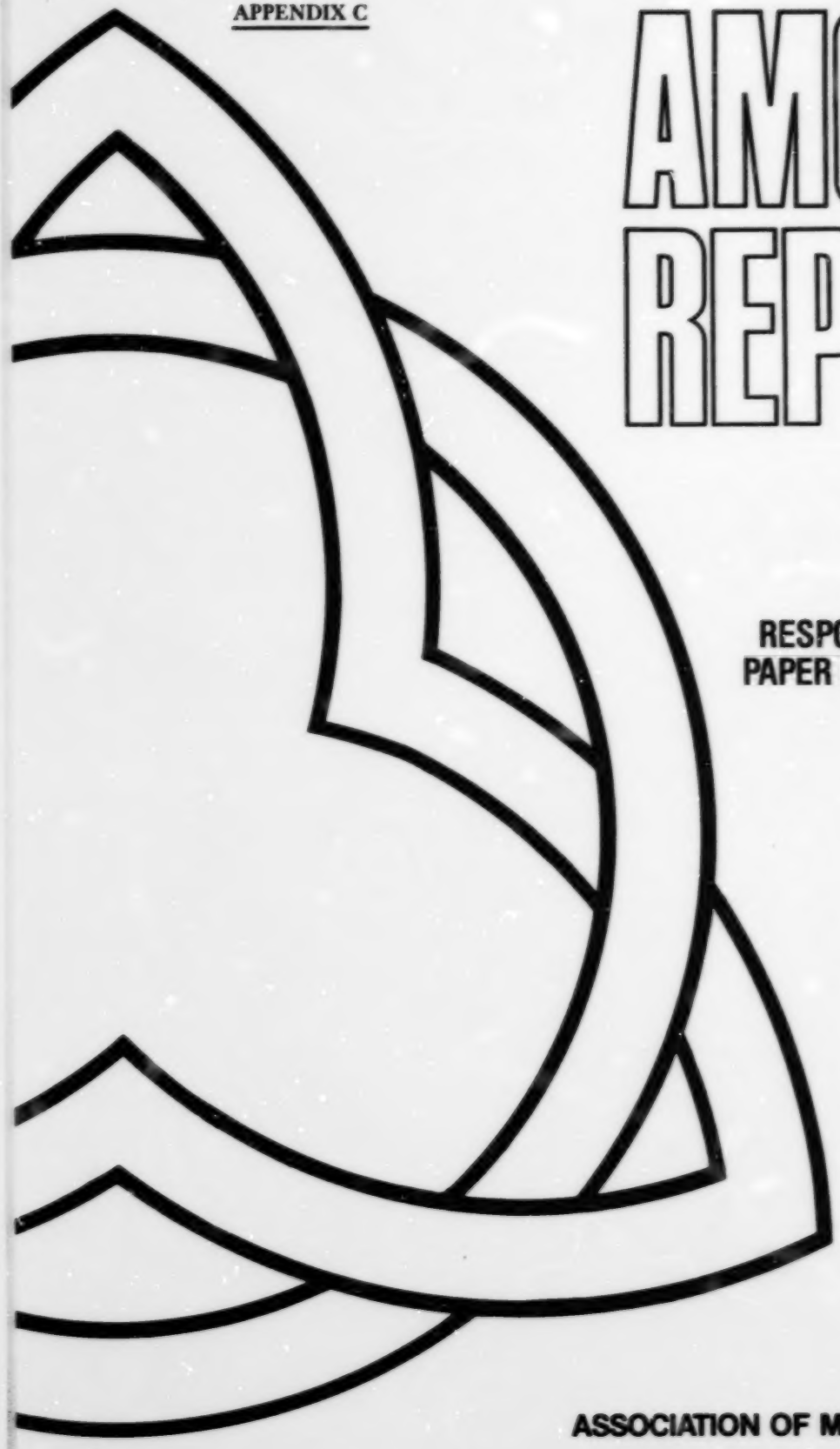
b.c.c. Claudette Millar, Mayor, City of Cambridge

APPENDIX B

Schedule of Appendices

1. WASTE MANAGEMENT CONSULTATION SESSION REPORT
2. WASTE REDUCTION, REUSE, RECYCLING AND RECOVERY REPORT
3. PERPETUAL CARE PROGRAM REPORT
4. INTERIM GUIDELINE FOR THE INTERPRETATION OF THE HAZARDOUS WASTE DEFINITION (REGULATION 309)
5. LEGISLATIVE IMPLICATIONS OF THE BLUEPRINT FOR WASTE MANAGEMENT
6. PROPOSED REVISIONS TO REGULATION 309
7. PROPOSED REVISIONS TO REGULATION 313
8. PROPOSED GENERATOR REGULATION
9. TERMS OF REFERENCE FOR A WASTE MANAGEMENT MASTER PLAN
10. SOLID WASTE MANAGEMENT COST ACCOUNTING SUMMARY REPORT
11. PROPOSED REGULATION UNDER THE ENVIRONMENTAL ASSESSMENT ACT REGARDING PRIVATE WASTE DISPOSAL SITES

APPENDIX C



AMO REPORTS 83-4

RESPONSE TO THE DISCUSSION PAPER ON ONTARIO CARBONATED SOFT DRINK CONTAINER REGULATIONS

ASSOCIATION OF MUNICIPALITIES OF ONTARIO
MAY 1983

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Association of Municipalities of Ontario, a non-partisan voluntary organization, is united to promote the values of the municipal government system and the status of the municipal level of government as a vital and essential component of the total intergovernmental framework of Ontario and Canada.

The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some six hundred (600) municipal governments throughout Ontario. The governing body is composed of some eighty (80) municipal elected and appointed officials, who in turn represent a wide-range of municipal government interest.

The following sections and affiliated municipal professional associations form an important part of the Association's structure and therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

Association Sections:

* County and Regional Section
* Large Urban Section
* Northern Ontario Section (FONOM/NOMA)
* Rural (ROMA) Section
* Organization of Small Urban Municipalities Section

Association Affiliates:

* Association of Municipal Clerks and Treasurers of Ontario
* Association of Municipal Tax Collectors of Ontario
* Municipal Engineers Association
* Ontario Municipal Administrators Association
* Ontario Municipal Personnel Association
* Ontario Municipal Social Services Association
* Society of Directors of Municipal Recreation of Ontario

To the Municipal Clerk:

Please circulate this Report to the members of council and to the staff of your municipality. Additional copies are available at $2.50 each from the Publications Centre, Association of Municipalities of Ontario, 100 University Avenue, Suite 902, Toronto, Ontario M5J 1V6

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"AMO Reports 83-4" was submitted to the Honourable Claude Bennett, Minister of Municipal Affairs and Housing and the Honourable Keith Norton, Minister of the Environment on June 6, 1983.

A RESPONSE TO THE DISCUSSION PAPER ON ONTARIO CARBONATED SOFT DRINK CONTAINER REGULATIONS

1. Introduction

On December 29, 1982 the Association of Municipalities of Ontario received a copy of the Ministry of the Environment's Discussion Paper on the Ontario Carbonated Soft Drink Container Regulations. The paper, which was distributed to all municipalities in the province, outlined five options for the regulation of carbonated soft drink containers. These five options were formulated by an interministerial committee, consisting of representatives from the Ministries of Environment, Consumer and Commercial Relations and Industry and Trade.

2. Existing Regulations

The existing Ontario regulation concerning soft drink containers concentrates on the retail aspect of carbonated soft drinks. The focus of the regulation is in three areas:

(1) Advertising - price advertising of nonrefillable containers must be matched, in the same advertisement, with advertising of refillable containers of comparable size and flavour.

(2) Shelf space - display of nonrefillable containers must be matched in container size and flavour by refillable glass containers. Shelf space must be equal for cans and glass containers when both are sold.

(3) Sizes and types of containers - the sizes and types of containers in which soft drinks can be sold by retail vendors are limited to (a) 750 ml nonrefillable glass containers, (b) refillable glass containers (300 ml, 750 ml, 1.5 litre), and (c) non-refillable 300 ml steel cans.

Other container types, such as aluminum cans or plastic containers, and any cans with detachable opening devices, such as metal rings, are not currently permitted.

One further aspect of the current situation is the informal agreement between the Ministry of the Environment and the soft drink industry to maintain a ratio of 75/25, refillables to non-refillables, in terms of volume of sales. This was done as a means of promoting the refillable system. Indications are that this agreement has not been complied with since 1979, when the Federal Government placed a temporary ban on the 1.5 litre refillable bottle, and that currently the market share is approximately 50/50, refillables to nonrefillables, even though the 1.5 litre refillable bottle is again being used.

3. AMO Recommendations

The Association of Municipalities of Ontario supports the use of the refillable soft drink container as a means of reducing the amount of material in the waste stream. At the same time it recognizes that a system which totally utilizes refillable containers is not feasible at this time because of opposition from the manufacturers of nonrefillable soft drink containers.

To ensure the long term viability of the refillables and reduce the volume of waste entering municipal landfill sites as a result of nonrefillables, the Association suggests that a minimum percentage of sales by volume be required, by regulation, to be in refillable containers. To be effective this minimum level should be set at or above 75%, which is the percentage which the soft drink industry and the Ministry of the Environment previously agreed to.

Therefore AMO recommends:

3.1. That the regulation under the Environmental Protection Act governing carbonated soft drink containers be amended to require that a minimum of 75% of carbonated soft drinks, by volume, sold in Ontario, be contained in refillable containers, such as those presently permitted by regulation.

3.2. That the monitoring of this ratio of refillables to nonrefillables be undertaken at the manufacturing level.

(The refillable containers presently permitted in Ontario are restricted to glass containers in the 300 ml, 750 ml, or 1.5 litre size.)

The vast majority of nonrefillable carbonated soft drink containers that enter the waste stream are of the "bi-metal" variety. The bi-metal nature of this container, which makes it difficult to recycle, and the low value of the materials involved which makes it uneconomical to recycle results in most of these cans being deposited in landfill sites.

The Association suggests that this dilemma could be alleviated by requiring that nonrefillable soft drink containers be made of a single material, and, that the basis for allowing a particular container on the market be its recyclability. The recyclability of a particular container should be measured according to the type of material to be used, its value as recycled material, the availability of a market for the recycled material for an extended time period and the commitment by the manufacturer of the container to establish a province-wide multi-material recycling program. Option #4, as presented in the discussion paper, would appear to be the best option of those presented, to address the issue of the recyclability of the nonrefillable container.

Therefore AMO recommends:

3.3. That the relevant regulation(s) be amended to provide that all nonrefillable carbonated soft drink containers be manufactured from a single material.

3.4. That the use of a particular container to satisfy the up to 25% portion of the carbonated soft drink container industry allocated to nonrefillables be based on the recyclability of the container.

3.5. That the recyclability of the container be measured by, among other things, the following:

- the type of material used
- the value of the container as recycled material

- the availability of a market for the recycled material for an extended time period
- the commitment by the manufacturer of the container to establish a province-wide multi-material recycling program.

3.6. That the Association of Municipalities of Ontario endorses, in principle, Option #4, as presented in the discussion paper on the Ontario carbonated soft drink container regulations to address the up to 25% of the carbonated soft drink containers allocated to non-refillables.

Another method, which is not addressed in the discussion paper, but that could be used to encourage recycling of the nonrefillables, would be to legislate that nonrefillables returned to the retailer would be subject to a deposit, as is presently done with refillables. This method for the collection of the nonrefillables deserves consideration, but it would only be effective if the recommendations related to single material containers and recyclability, which were presented above, were adopted.

Therefore, AMO recommends:

3.7. That the Ministry of the Environment and the Ministry of Consumer and Commercial Relations consider the use of a deposit system at the retail level as a means of recovering non-refillable containers for recycling.

4. Summary of Recommendations

1. That the regulation under the Environmental Protection Act governing carbonated soft drink containers be amended to require that a minimum of 75% of carbonated soft drinks, by volume, sold in Ontario, be contained in refillable containers, such as those presently permitted by regulation.

2. That the monitoring of this ratio of refillables to nonrefillables be undertaken at the manufacturing level.

3. That the relevant regulation be amended to provide that all nonrefillable carbonated soft drink containers be manufactured from a single material.

4. That the use of a particular container to satisfy the up to 25% portion of the carbonated soft drink container industry allocated to nonrefillables be based on the recyclability of the container.

5. That the recyclability of the container be measured by, among other things, the following:
   - the type of material used
   - the value of the container as recycled material
   - the availability of a market for the recycled material for an extended time period
   - the commitment by the manufacturer of the container to establish a province-wide multi-material recycling program.

6. That the Association of Municipalities of Ontario endorses, in principle, Option #4, as presented in the discussion paper on the Ontario carbonated soft drink container regulations to address the up to 25% of the carbonated soft drink containers allocated to non-refillables.

7. That the Ministry of the Environment and the Ministry of Consumer and Commercial Relations consider the use of a deposit system at the retail level as a means of recovering non-refillable containers for recycling.

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82-2 Response to Bill 159 - An Act to Revise the Planning Act
Appendix to "AMO Reports 82-2": Clause by Clause Review of Bill 159 - An Act to Revise the Planning Act ($4.00)
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